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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R. S .A. No. 4835 of 2004
Date of decision: 13.11.2007

Chiman Lal **...Appellant**

Versus

Pawan Kumar Singla **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Amarjit Markan, Advocate for the appellant.

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RAJESH BINDAL, J.

The defendant is in second appeal before this Court against concurrent findings of fact by both the Courts below whereby suit filed by the respondent/plaintiff for permanent injunction restraining the appellant/defendant from interferring in peaceful possession of the plot in question was decreed.

The claim set up by the respondent/plaintiff was that the plot in question was given to him on rent by Custodian Department in 1997 and thereafter the rent was deposited with the Tehsildar (Sales), the receipts of which were exhibited as P-1 to P-5. Still further it was submitted that besides the Jamabandi for the year 2000-01 even for the period prior thereto from 1991-92 to 1994-95 father of the respondent/plaintiff was shown to be in possession of the plot in dispute in the Khasra Girdawaris and even for the period subsequent thereto Ex. P-10 to Ex. P-12 also show respondent/plaintiff to be in possession of the property as tenant and the Custodian Department as owner thereof. On the other hand, the claim set up by the appellant/defendant was that he is lessee on the land given to him on lease by Punjab Wakf Board, who is the owner of the land. Except a notice issued to him in 1998 for eviction from the land by the Punjab Wakf Board, no material was placed on record to show that how and in what capacity he was in possession of the land. The evidence produced by him in the form of Photographer and the Draftsman, who prepared the site plan and

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the statements made by them to show that Punjab Wakf Board is the owner of the land is certainly an over act as neither the Draftsman nor the Photographer could state these facts. The claim of the appellant is also found to be quite untenable for the reason that he claimed himself to be in possession of the plot and also that some construction had been raised by him thereon and has threat of dispossession from the respondent/plaintiff. Whereas inspite of the fact that his appeal was dismissed by learned Additional District judge, Patiala on September 2, 2004 and present appeal is pending before this Court for the last three years without even notice to other party. This shows that the parties are happy with the status of the land. The findings recorded by both the Courts below are plain and simple findings of fact on appreciation of evidence, which cannot be termed as perverse.

Considering the material on record as briefly referred to above, no substantial question of law arises.

The appeal is accordingly dismissed.

November 13, 2007 **(Rajesh Bindal)**
Pka **Judge**